

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 PM-04 INR-07 SY-05 SCA-01
PRS-01 INRE-00 /032 R

DRAFTED BY L/M:GALEHNER:AD
APPROVED BY L/M:KEMALMBORG
-----102132Z 026333 /72
O 102122Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY PANAMA IMMEDIATE

C O N F I D E N T I A L STATE 134923

E.O. 11652: GDS

TAGS: CPRS, MILL, PN, PQ

SUBJECT: GOP REQUEST TO EXTRADITE U.S. SOLDIER

REF: PANAMA 4178

1. DEPARTMENT'S LEGAL OFFICE HAS SERIOUS PROBLEMS WITH INTERPRETATION OF CANAL ZONE CODE AS STATED IN REFTEL PARA 5. IT IS NOT RPT NOT CLEAR THAT "SO LONG AS CUEVAS IS UNDER U.S. ARMY CHARGES IN CANAL ZONE, HE MAY NOT BE DELIVERED. SECTION 5083, CANAL ZONE SPEAKS OF THE LAWS OF THE CANAL ZONE, NOT RPT NOT NOT THE LAWS OF THE U.S. ARMY.

2. DEPARTMENT'S INTERPRETATION IS THAT IN ORDER FOR GOVERNOR OF CANAL ZONE TO INVOKE SECTION 5083, CANAL ZONE, NOT RPT NOT MILITARY, AUTHORITIES MUST BE PREPARED TO TRY CUEVAS FOR CRIMES COMMITTED IN THE CANAL ZONE.

3. CANAL ZONE AUTHORITIES CAN NOT RPT NOT TRY CUEVAS FOR ATTEMPTED MURDER, THE MOST SERIOUS OFFENSE. IT IS UNCLEAR (DEPENDING ON WHERE EVENTS TOOK PLACE) WHETHER CANAL ZONE
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AUTHORITIES CAN TRY CUEVAS FOR KIDNAPPING, THE SECOND MOST SERIOUS OFFENSE.

4. FYI: OFTEN, IN EXTRADITION CASES, WHERE REQUESTED STATE HAS JURISDICTION TO TRY FOR CERTAIN CRIMES A DEFENDANT WHOSE EXTRADITION HAS BEEN DEMANDED BY ANOTHER STATE, REQUESTED STATE WILL WAIVE RIGHT TO PROSECUTE

OFFENDER IF THE OFFENSE COMMITTED IN THE REQUESTING STATE
IS MORE SERIOUS. END FYI.

5. REQUEST EMBASSY DISCUSS LEGAL PROBLEMS RAISED HERE
WITH APPROPRIATE CANAL ZONE AND MILITARY AUTHORITIES.

6. FYI: UNDER PROPOSED NEW TREATY AND STATUS OF FORCES
AGREEMENT GOP WOULD HAVE PRIMARY JURISDICTION OVER CASES
LIKE THIS. THEREFORE, UNDER THIS AGREEMENT U.S. WOULD BE
OBLIGATED TO TURN OVER U.S. SOLDIER UNLESS GOP WAIVED
JURISDICTION. END FYI. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, EXTRADITABLE CRIMES, PRISONERS
Control Number: n/a
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Sent Date: 10-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: GALEHNER:AD
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770208-0388
Format: TEL
From: STATE
Handling Restrictions: n/a
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Subject: GOP REQUEST TO EXTRADITE U.S. SOLDIER
TAGS: CPRS, MILI, PN, PQ, (CUEVAS)
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